

### **REMARKS/ARGUMENTS**

This Amendment is in response to the Office Action mailed January 8, 2008. Claims 21, 23-25, 27 and 28 were pending in the present application. This Amendment amends claims 21, 23-25, 27 and 28, leaving pending in the application claims 21, 23-25, 27 and 28. Reconsideration of the rejected claims is respectfully requested.

### **Examiner Interview**

Applicants would like to thank Examiner Nguyen for the telephonic interview regarding this application conducted on February 14, 2008. During the interview, the Petition to Suspend Action filed by Applicants on October 29, 2007 was discussed. In particular, the Examiner noted that the Petition was inadvertently overlooked and thus was not considered by the Examiner prior to issuance of the January 8, 2008 Office Action. As a result, the Examiner indicated that the next Office Action in the present application (*i.e.*, the Office Action subsequent to the January 8, 2008 Office Action) would not be made final.

### **Objection to Claims 23 and 27**

Claims 23 and 27 are objected to under 37 CFR §1.75(c) as being of improper dependent form for failing to further limit the subject matter of a previous claim. In particular, the Examiner asserts “it’s not clear the relationship of ‘job set’ in these dependent claims vs. ‘job’ in the independent claims.” (Office Action: pg. 2).

Although Applicants do not necessarily agree with the objection, claims 23 and 27 have been amended to clarify that the recited job set is defined as “including one or more jobs in the plurality of jobs.” Accordingly, Applicants respectfully submit that the objection to claims 23 and 27 has been overcome.

**35 U.S.C. §112 Rejection of Claims 23, 24, 27, and 28**

Claims 23, 24, 27, and 28 are rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention.

Claims 23 and 27 are rejected on the same grounds asserted in the objection above (*i.e.*, that the relationship between the recited “job set” of claims 23 and 27 and the recited “jobs” of claims 21 and 25 is unclear). As discussed above, claims 23 and 27 have been amended to clarify this relationship. Accordingly, the Section 112 rejection of claims 23 and 27 is believed to be overcome.

Claims 24 and 28 are rejected because “the phrase ‘comparing the job with the changed condition information’ is vague, a job is a process or task and can not be compared to an information. Maybe the ‘parameters of the job.’” (Office Action: pg. 3). Although Applicants do not necessarily agree with the rejection, claims 24 and 28 have been amended as suggested by the Examiner to recite “comparing the first parameter of the job” rather than “comparing the job.” Accordingly, the Section 112 rejection of claims 24 and 28 is believed to be overcome.

**35 U.S.C. §103(a) Rejections of Claims 21, 23-25, 27, and 28**

Claims 21, 23-25, 27, and 28 are rejected under 35 U.S.C. §103(a) as being unpatentable over Vacante et al. (U.S. Patent No. 6,651,191, hereinafter "Vacante") in view of Hayashi et al. (U.S. Patent No. 5,651,100, hereinafter "Hayashi"), or in the alternative, under 35 U.S.C. §103(a) as being unpatentable over Ahlstrom et al. (U.S. Patent No. 6,327,618, hereinafter "Ahlstrom") in view of Vacante and Hayashi. Without conceding the merits of the rejections, Applicants have amended independent claims 21 and 25 to clarify the distinctions between the present invention and the cited art.

Embodiments of the present invention are directed to techniques for managing jobs in a system comprising a host computer and a storage apparatus. In one set of embodiments, a plurality of jobs is defined, where each job is configured to execute a process for the host computer or the storage apparatus. Each job includes a first parameter for executing the process and a second parameter indicating whether the first parameter may be changed.

(Specification: pg. 11, line 25 – pg. 12, line 5; pg. 13, lines 9-21). For example, as shown in Fig. 7, table 701 of the Specification, one job may specify “Back up Volume 001 onto %DEVICE% at %TIME%,” where %DEVICE% and %TIME% correspond to first parameters for executing a backup process, and where the “FIX/DO NOT FIX” radio button corresponds to a second parameter indicating whether the first parameters may be changed.

Further, global policy information for controlling the host computer or the storage apparatus is stored. The global policy information includes a plurality of conditions to which each job in the plurality of jobs should conform. (Specification: pg. 10, lines 23-27). For example, as shown in Fig. 7, table 702 of the Specification, the global policy information may include a condition specifying “Do not use the same tape device during the same period of time.” Thus the various jobs defined in table 701 should conform to this condition, as well as the other conditions, defined in table 702.

Once the plurality of jobs have been defined and the global policy information has been stored, each job in the plurality of jobs may be processed. In particular, an inconsistency degree between the job and the global policy information is calculated by comparing the first parameter of the job with the global policy information, and a result of this comparison, including the inconsistency degree, is outputted. If the inconsistency degree is within a threshold, the job is allowed to execute. If the inconsistency degree is not within the threshold, the second parameter of the job is determined. If the second parameter indicates that the first parameter may be changed, then the first parameter is changed according to the result of the comparison and the inconsistency degree is recalculated. (Specification: pg. 16, lines 1-16; pg. 13, lines 9-21). In this manner, the consistency of the jobs with global policy information may be easily determined, and various parameters of the jobs may be modified accordingly.

In accordance with the above, Applicants’ claim 1 (as amended) recites:

A job controlling method in a computer system which includes a host computer and a storage apparatus, the method comprising:

defining a plurality of jobs, wherein each job in the plurality of jobs is configured to execute a process for the host computer or the storage apparatus, and wherein each job includes a first parameter for executing the process and a second parameter indicating whether the first parameter can be changed;

storing global policy information for controlling the host computer or the storage apparatus, the global policy information including a plurality of conditions to which each job in the plurality of jobs should conform; and

for each job in the plurality of jobs:

calculating an inconsistency degree of the job with the global policy information by comparing the first parameter of the job with the global policy information;

outputting a result of comparing the first parameter of the job with the global policy information, the result including the inconsistency degree;

if the inconsistency degree is within a predefined threshold, then executing the job according to the parameter; and

if the inconsistency degree is not within the predefined threshold, then:

if the second parameter indicates that the first parameter can be changed, changing the first parameter of the job according to the result of the comparison and recalculating the inconsistency degree.

(Applicants' claim 1, as amended, emphasis added).

At least the above features are not taught or suggested by Vacante, Ahlstrom, and/or Hayashi. For example, these references do not teach or suggest “defining a plurality of jobs,” storing global policy information that includes “a plurality of conditions to which each job in the plurality of jobs should conform,” and “for each job in the plurality of jobs,” “calculating an inconsistency degree of the job with the global policy information by comparing the first parameter of the job with the global policy information” as recited in amended claim 1.

Vacante is directed to method for testing a policy for a target network device. As described in Vacante, a policy is deployed to a target network device. A determination is then made whether the policy conflicts with a policy that was previously deployed to the target network device. If a conflict is determined, an error message is generated. (Vacante: col. 4, lines 33-65). Thus, at best, Vacante merely teaches determining a conflict between two policies. To the extent that the Examiner construes the policies of Vacante as corresponding to the recited plurality of jobs of claim 1, nowhere does Vacante teach or suggest taking each policy in a plurality of policies and comparing said each policy with global policy information to calculate an inconsistency degree as recited in claim 1. Rather, the policies of Vacante are merely

compared against each other. Thus, Applicants submit that the policies of Vacante cannot be properly construed as teaching the recited plurality of jobs of claim 1.

To the extent that the Examiner construes the policies of Vacante as corresponding to the recited global policy information of claim 1, nowhere does Vacante teach or suggest that the policies described therein include conditions to which each job in a plurality of jobs should conform, or comparing the policies to said each job as recited in claim 1. In fact, it is not clear in this case what entities in Vacante would correspond to the plurality of jobs. Thus, Applicants submit that the policies of Vacante also cannot be properly construed as teaching the recited global policy information of claim 1. Accordingly, Vacante fails to teach or suggest “defining a plurality of jobs,” storing global policy information that includes “a plurality of conditions to which each job in the plurality of jobs should conform,” and “for each job in the plurality of jobs,” “calculating an inconsistency degree of the job with the global policy information by comparing the first parameter of the job with the global policy information” as recited in claim 1.

The deficiencies of Vacante in this regard are not remedied by Ahlstrom or Hayashi. Ahlstrom is directed to a method for processing conflicts between policies in a network management system. (Ahlstrom: Abstract). Like Vacante, Ahlstrom merely describes comparing one policy to another. Accordingly, Ahlstrom fails to teach the above-recited features of claim 1 for at least the same reasons as Vacante. Hayashi is directed to an approximate reasoning apparatus. (Hayashi: Abstract). As best understood, Hayashi does not teach anything about the recited jobs or global policy information of claim 1. Accordingly, both Ahlstrom and Hayashi also fail to teach or suggest “defining a plurality of jobs,” storing global policy information that includes “a plurality of conditions to which each job in the plurality of jobs should conform,” and “for each job in the plurality of jobs,” “calculating an inconsistency degree of the job with the global policy information by comparing the first parameter of the job with the global policy information” as recited in claim 1.

Further, the cited references do not teach or suggest a plurality of jobs where each job includes “a first parameter for executing the process and a second parameter indicating whether the first parameter can be changed,” and “if the second parameter indicates that the first

parameter can be changed, changing the first parameter of the job according to the result of the comparison and recalculating the inconsistency degree” as recited in claim 1. No disclosure pertaining to these features could be found in Vacante, Ahlstrom, or Hayashi.

Fore at least the foregoing reasons, even if Vacante, Ahlstrom, and Hayashi were combined (although there appears to be no rationale for combining), the resultant combination would not teach or suggest all of the features of Applicants’ amended claim 1. Accordingly, Applicants respectfully request that the rejection of claim 1 be withdrawn.

Independent claim 25 has been amended to recite features that are substantially similar to amended claim 1, and is thus believed to be allowable for at least a similar rationale as discussed for claim 1, and others.

Dependent claims 23, 24, 27, and 28 depend (either directly or indirectly) from independent claims 21 and 25 respectively, and are thus believed to be allowable for at least a similar rationale as discussed for claims 21 and 25.

In addition, dependent claims 23, 24, 27, and 28 recite additional features that distinguish over Vacante, Ahlstrom, and Hayashi. For example, claims 23 and 27 recite “wherein a job set including one or more jobs in the plurality of jobs is defined, wherein a weighting is defined for one or more conditions in the global policy information, and wherein the method further comprises outputting a result of comparing the first parameters of the job set with the global policy information according to the inconsistency degree and the weighting.” In the Office Action, the Examiner apparently takes Official Notice that these features are “well known job controlling parameters, i.e., outputting results for effectively monitoring, it would have been [obvious] to do so to effectively monitor the changes.” (Office Action: pg. 7). However, Applicants submit that it is not well-known or obvious to define a weighting for one or more conditions in global policy information, or output a result of comparing parameters of a job set with the global policy information based on an inconsistency degree and the weighting as recited in claims 23 and 27. Accordingly, Applicants respectfully submit that claims 23 and 27 are allowable for at least this additional reason. To the extent that the Examiner asserts these features are well known in the art, the Examiner is respectfully requested to provide documentary evidence that supports this assertion as per MPEP 2144.03(C).

**Amendments to the Claims**

Unless otherwise specified, amendments to the claims are made for purposes of clarity, and are not intended to alter the scope of the claims or limit any equivalents thereof. The amendments are supported by the Specification and do not add new matter.

**CONCLUSION**

In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for allowance. The issuance of a formal Notice of Allowance at an early date is respectfully requested.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 650-326-2400.

Respectfully submitted,

/Andrew J. Lee/

Andrew J. Lee  
Reg. No. 60,371

TOWNSEND and TOWNSEND and CREW LLP  
Two Embarcadero Center, Eighth Floor  
San Francisco, California 94111-3834  
Tel: 650-326-2400  
Fax: 415-576-0300  
AJL:mg/vp  
61267360 v1